

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)

**DEFENDANT'S NOTICE OF CONDITIONAL CROSS-APPEAL**

Notice is hereby given that FAIRFAX COUNTY SCHOOL BOARD, Defendant in this action, conditionally appeal to the United States Court of Appeals for the Fourth Circuit from that part of the Order entered on the 29th day of May 2019 ruling that a prior decision of the Fairfax Circuit Court did not preclude Plaintiffs from litigating their claims in this Court.

The School Board believes that it will not be necessary or appropriate for the Fourth Circuit to reach this issue, as the Fourth Circuit should affirm this Court's entry of judgment as a matter of law. However, should the Fourth Circuit disagree with this Court's entry of judgment as a matter of law, then it should conclude that the December 14, 2018 final order of the Fairfax Circuit Court is entitled to full faith and credit.

FAIRFAX COUNTY SCHOOL BOARD

By: \_\_\_\_\_ /s/

Michael E. Kinney (VSB #65056)

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**CERTIFICATE OF SERVICE**

I certify that on July 3, 2019, I electronically filed a copy of this NOTICE OF CONDITIONAL CROSS-APPEAL using the CM/ECF system, which will send a notification of such filing (NEF) to counsel of record for all Parties.

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/s/  
Michael E. Kinney (VSB #65056)